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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID ALLEN JOHNSON, individually,)	Case No.:
)	
Plaintiff,)	Dept. No.
)	
vs.)	
)	
FOREMOST PROPERTY AND CASUALTY)	
INSURANCE COMPANY, and DOES I)	
through x, and ROE CORPORATIONS I)	
through X, inclusive,)	
)	
Defendants.)	

PETITION FOR REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEVADA:

PLEASE TAKE NOTICE that Defendant/Petitioner, Foremost Property and Casualty Insurance Company (hereinafter "Defendant"), and through their attorneys, The Feldman Firm, hereby removes the State action described herein to Federal Court. The grounds for removal are as follows:

1. On April 27, 2017, an action was commenced in the Eighth Judicial District Court, Clark County, Nevada, entitled "*David Allen Johnson vs. Foremost Property and Casualty Insurance Company, and Does I through X, and Roe Corporations I though X, inclusive*", Case No. A-17-754637-C.

2. A copy of all process, pleadings and orders served upon Defendant Foremost

Property and Casualty Insurance Company in the State Court action are attached hereto as **Exhibit 1**.

3. This Petition is filed timely pursuant to 28 U.S.C. §1446(b).

4. This action is a civil action of which this Court has diversity jurisdiction under the provisions of 28 U.S.C. §1332 and 28 U.S.C. §2201, and is one which may be removed to this Court by Petitioner pursuant to the provisions of 28 U.S.C. §1441(b).

5. There is a diversity of citizenship between Plaintiff David Allen Johnson, and the insuring entity, Defendant Foremost Property and Casualty Insurance Company. Defendant is informed and believe that Plaintiff, David Allen Johnson was and still is a citizen of the State of Nevada. Defendant Foremost Property and Casualty Insurance Company was at the time of the filing of this action, and still is a corporation incorporated in the State of Michigan.

6. The matter in controversy exceeds \$75,000.00. Plaintiff seeks damages for Breach of Contract in an amount in excess of \$15,000.00 up to \$75,000.00; Bad Faith Breach of the Implied Covenant of Good Faith and Fair Dealing damages in an amount in excess of \$15,000.00 up to \$75,000.00; Breach of the Nevada Unfair Claims Settlement Practices Act damages in an amount in excess of \$15,000.00 up to \$75,000.00; Breach of Nevada Unfair Claims Settlement Practices Act damages in an amount in excess of \$15,000.00 up to \$75,000.00. Plaintiff further seeks general damages in an amount in excess of \$15,000.00 up to \$75,000.00 and special damages in an amount in excess of \$15,000.00 up to \$75,000.00, punitive damages in an amount in up to \$75,000.00. Given those claims against this national insurance company, it is clear that Plaintiff is seeking the aggregate of damages in excess of \$75,000.00. (See Complaint **Exhibit 2**).

7. Defendant was served through the Nevada Division of Insurance on May 5, 2017. (See **Exhibit 1**).

8. Pursuant to 28 U.S.C. §1446, a copy of this Petition for Removal is being filed with the Clerk of the Eighth Judicial District Court, Clark County, Nevada, and is further served on all parties hereto.

9. Defendant Foremost Property and Casualty Insurance Company will also timely file a Notice of Removed Action in the Eighth Judicial District Court, Clark County, Nevada, a true

1 and correct copy of which is attached as **Exhibit 3**, 28 U.S.C. § 1446(d).

2 **JURY DEMAND**

3 Defendant Foremost Property and Casualty Insurance Company demands a trial by jury
4 on all issues appropriate for jury determination.

5 WHEREFORE, Defendant Foremost Property and Casualty Insurance Company hereby
6 removes the State action now pending against it in the Eighth Judicial District Court, Clark
7 County, Nevada, Case No. A-17-754637-C, to this Court.

8 DATED this 2nd day of June, 2017.

9
10 THE FELDMAN FIRM

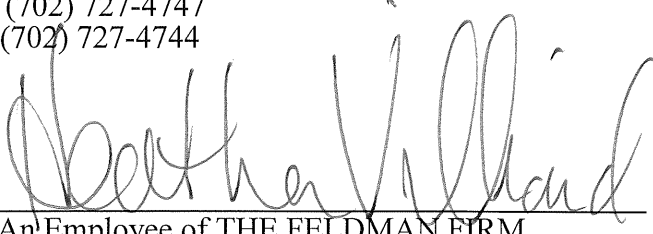
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12 By: _____

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 2nd of June, 2017, I mailed a true and correct copy of the foregoing **PETITION FOR REMOVAL** in a sealed envelope with First Class postage fully prepaid, addressed to the following:

Clay R. Treese, Esq.
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An Employee of THE FELDMAN FIRM